

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry R. Smith  
Appl. No.: 09/202,003  
Filed: December 7, 1998  
Docket No.: 1674  
Title: **ELECTROMECHANICAL SWITCHING DEVICE**  
Art Unit:  
Examiner:

RECEIVED

22 MAR 2002

Legal &  
International Division

Action: **REQUEST FOR RECONSTRUCTION UNDER 37 C.F.R.  
§1.251(a)(1)(i)-(iii)**  
Date: February 5, 2002

To: Box PCT  
Legal Department  
United States Patent and Trademark Office  
Washington, DC 20231

Sir:

This is a request for reconstruction of application papers under 37 C.F.R. §1.251 (a)(1) which relates to unlocatable files. The Office will please note that Applicants representative has been awaiting formal receipt from the Office of notification that the Office cannot locate the application file papers; however, no notification has yet to be received, presumably either because one has not been mailed or it has been lost in transit.

In any event, it is respectfully requested that the Office initiate prompt examination of the present application in view of the fact that these application papers relate to a national stage filing under 35 U.S. C. § 371 which was timely initiated back on December 7, 1998. Further, the Office will please note that, since no filing receipt was received for the national stage filing under §371, Applicant on or about November 27, 2000 additionally submitted a petition under 37 C.F.R. §1.181(a)(3) to transmit a notification of acceptance of application under 35 U.S.C. §371 and for prompt examination of national stage application. This petition, likewise, has either been misplaced or lost at the USPTO. Accordingly, as the Office can appreciate, Applicant's

efforts to have his U.S. national stage application examined have been ongoing for approximately 3 ½ years.

In view of the forgoing, Applicants representative has been advised by personnel at the USPTO. To submit the attached statement under 37 C.F.R. §1.251 and all correspondences relating to the application papers. Please note that copies of all correspondences which are provided herewith, as well as the corresponding listing, are provided in reverse chronological order.

### **Statement**

Applicant provides the following statements under 37 C.F.R. §1.251(a)(1):

☒ The copy submitted with this reply is a complete and accurate copy of Applicant's record of all of the correspondences between the Office and the Applicant for the above-identified application (except for U.S. patent documents), and Applicant is not aware of any correspondence between the Office and Applicant, for the above-identified application that is not among Applicant's records.

☒ The copy of the paper(s) listed in this request under 37 C.F.R. 1.251(a)(1)(i)-(iii) is/are a complete and accurate copy of Applicant's record of such correspondences.

If any questions remain to be addressed, it is respectfully requested that the undersigned attorney for the Applicant be contacted at the number listed below.

Respectfully submitted,

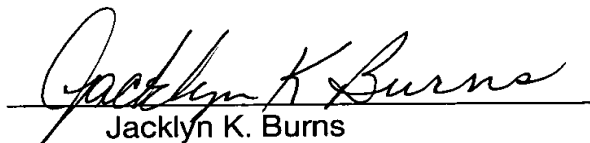
***TIMOTHY J. MARTIN, P.C.***

By: 

Timothy J. Martin, #28,640  
Michael R. Henson, #39,222  
Mark H. Weygandt, #43,260  
9250 W. 5th Avenue, Suite 200  
Lakewood, Colorado 80226  
(303) 232-3388

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing ***REQUEST FOR RECONSTRUCTION UNDER 1.251(a)(1)(i)-(iii)*** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box PCT, Legal Department, United States Patent and Trademark Office, Washington, D.C. 20231, on this 5<sup>th</sup> day of February, 2002.

  
Jacklyn K. Burns

### **List of correspondences**

1. National Stage Patent Application papers – filed December 7, 1998 under 35 U.S.C. §371
2. Return Receipt Postcard for National Stage Filing - dated December 7, 1998
3. Transmittal of Information Disclosure – mailed March 1, 1999
4. Return Receipt Postcard for Information Disclosure – dated March 4, 1999
5. First Supplemental Information Disclosure – mailed November 14, 2000
6. Return Receipt Postcard for Supplemental Information Disclosure – dated November 17, 2000
7. Petition Under 37 C.F.R. §1.181(a)(3) To Transmit A Notification of Acceptance of Application Under 35 U.S.C. § 371 and For Prompt Examination of National Stage Application. – mailed November 27, 2000
8. Return Receipt Postcard for Transmittal of Petition Under 37 C.F.R. §1.181(a)(3) To Transmit A Notification of Acceptance of Application Under 35 U.S.C. § 371 and For Prompt Examination of National Stage Application and Affidavit of Christy L. Burbank. – dated December 1, 2000.
9. Copies of numerous telephone logs pertaining to correspondences between the USPTO and the undersigned Attorney's administrative personnel, each relating to efforts to locate the above-identified application file wrapper.